

In the Matter of:                         )  
  )  
Application for Certification ) Docket No.  
for the Henrietta Peaker         ) 01-AFC-18

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Arthur Rosenfeld, Commissioner, Presiding Member

Garret Shean, Hearing Officer

STAFF PRESENT

Lisa DeCarlo

Bob Eller

Will Walters, Consultant

PUBLIC ADVISER

Roberta Mendonca

APPLICANT

John P. Grattan  
Grattan & Galati

D.W. Wheeler  
Mark Kehoe  
GWF Power Systems

David Stein  
URS Corporation

INTERVENOR

Sky Stanfield, CURE  
Adams, Broadwell, Joseph & Cardozo

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

## I N D E X

	Page
Proceedings	1
Public Adviser Mendonca	2
Introductions	4
Opening Comments	5
Presentation of Applicant	9
Presentation of Staff	24
Public Comments	
Tony Olivera, Chairman Kings County Board of Supervisors	32
Joe Neves Kings County Board of Supervisors	33
Skeet Trapnell, Chairman Kings County Planning Commission	34
Don Mills, General Manager Kings County Water District	35
Steve Froberg, City Manager City of Lemoore	36
Mike Virden, Fire Marshal Kings County Fire District	37
Questions and Comments	38
Discussion of Scheduling	47
Adjournment	73
Certificate of Reporter	74

1 P R O C E E D I N G S

2 PRESIDING MEMBER ROSENFELD: Good  
3 evening, ladies and gentlemen. I'm Commissioner  
4 Rosenfeld, I'm the Presiding Member of the Policy  
5 Committee which will eventually write the Proposed  
6 Member's Proposed Decision.

7 I don't have anything to say except  
8 thanks for the cookies and the coffee. And so,  
9 back to Garret Shean, who's going to run the  
10 proceeding.

11 HEARING OFFICER SHEAN: Thank you,  
12 Commissioner. And let me just indicate what we'll  
13 do is some introductions here, brief remarks from  
14 up here. We'll go to the Public Adviser, Ms.  
15 Mendonca, she has some remarks to make. Then the  
16 Applicant's presentation, followed by the Staff,  
17 any comments from local government or agencies,  
18 anything from our potential Intervenor, and then  
19 any public questions and comments.

20 We are also going to go through a  
21 discussion, probably, let me say not necessarily  
22 segmented after all this, of the Staff's Issue  
23 Identification Report, as well as some discussion  
24 as to schedule.

25 So at this point, why don't we have Ms.

1 Mendonca introduce herself, then the Applicant and  
2 the Staff, and anyone else who is present and  
3 would like to be introduced.

4 Ms. Mendonca.

5 PUBLIC ADVISER MENDONCA: Hello. My  
6 name is Roberta Mendonca. Garret, do you want me  
7 to do my presentation right now?

8 HEARING OFFICER SHEAN: Sure.

9 PUBLIC ADVISER MENDONCA: Okay.  
10 Basically, the Public Adviser would at this point  
11 turn and welcome all members of the public who are  
12 here this evening to learn about how to  
13 participate in the Energy Commission's process.  
14 And I see that most of the people here are already  
15 familiar with that, so I will go ahead and instead  
16 just comment for the record what the Public  
17 Adviser did to enable the community of Lemoore to  
18 know about the project.

19 After the project was data adequate, we  
20 made sure that two local libraries, the Kings  
21 County Library and the Lemoore Branch Library,  
22 obtained copies of the Application for  
23 Certification. We also ascertained that they both  
24 have -- excuse me, that the Kings County Public  
25 Library has a computer that the public can use to

1 access the Energy Commission's Web site, and we've  
2 also contacted the Naval Air Station to make use  
3 of their public information office to circulate  
4 information about tonight's Informational Hearing  
5 and Site Visit.

6 We arranged to have 3,000 flyers in  
7 English and in Spanish that explain this evening's  
8 hearing distributed in the Lemoore Advance  
9 Newspaper, and those were delivered approximately  
10 a week ago.

11 The Public Adviser is available to  
12 assist anybody who would like to participate in  
13 our process. My office will be of service to you  
14 to help you understand our process and procedures.  
15 I can be reached by a toll-free number, which is  
16 given on the one-page Project Summary handout on  
17 paper at the front of the room, if you'd like to  
18 walk away with that this evening, including the  
19 Energy Commission's Web site, which gives you  
20 information about the project.

21 HEARING OFFICER SHEAN: Okay. And we'll  
22 ask at this point, why don't -- we'll take this  
23 over once you see what's going here, and we'll  
24 adapt to that.

25 All right. Let's have the Applicant

1       introduce itself, and this is just by way of  
2       introduction, and then the Staff, and we'll have  
3       some brief comments from up here.

4               MR. GRATTAN:  Good evening.  My name is  
5       John Grattan, I'm the Applicant, GWF's, counsel.  
6       I'd like to quickly introduce Doug Wheeler, who's  
7       the Vice President for Business Development at  
8       GWF; Mark Kehoe, who is the officer for  
9       Environmental Compliance at GWF; Dave Stein, the  
10      consultant from URS; and last, but not least,  
11      Riley Jones, who is the Manager of GWF's local  
12      affairs, including the -- the solid fuel power  
13      plant in Hanford and our new peaker plant in  
14      Hanford.  And Riley is also a member of the Kings  
15      County Planning Commission and the Kings County  
16      Economic Development Commission, of which he's  
17      Vice Chair.  Hi, Riley.

18             Okay.  Now I'd like to turn it over to  
19      Doug Wheeler, to do a presentation.

20             HEARING OFFICER SHEAN:  Well, Mr.  
21      Wheeler, before you sort of get into the substance  
22      of this, let's finish this round of introductions  
23      and some brief comments, since we've had some new  
24      folks come into the meeting.  And we'll go to the  
25      Staff, now.

1                   MR. ELLER: Good evening. Bob Eller,  
2                   Project Manager for Commission Staff. With me  
3                   this evening is Lisa DeCarlo, Staff counsel. We  
4                   have a number of members of the Staff in the  
5                   audience, and we can call on them as needed.

6                   HEARING OFFICER SHEAN: Okay.

7                   The purpose of this evening's hearing is  
8                   severalfold. The first is to provide information  
9                   about the proposed project, to describe to you the  
10                  Commission's licensing process, and to receive  
11                  questions and comments from the public. The way  
12                  we propose to proceed this evening is to have the  
13                  Applicant introduce its project, which they will  
14                  do momentarily. Then the Staff will briefly  
15                  describe its portion of the Commission's review  
16                  process. Then we'll have any statements from the  
17                  Intervenors, or those who have petitioned to  
18                  intervene, then anything from local agencies, and  
19                  lastly, from the public, either comments or  
20                  questions.

21                  As I said earlier off the record, on  
22                  this agenda you will find at the bottom a  
23                  description of how, if you have a computer and  
24                  Internet service, you may file -- go online and  
25                  subscribe to the e-mail list server, which will



1       give you information about a particular project.  
2       Every time that a notice or a document is made  
3       available in this proceeding, you would be  
4       notified by e-mail.

5               Also, Ms. Mendonca, who is the Public  
6       Adviser for the Commission, has available to you  
7       and has handed out several of these blue cards for  
8       folks who are interested either in speaking  
9       tonight, or interested in being on the mailing  
10      list for this proceeding, to identify themselves.  
11      There are two ways to do this. We can either put  
12      you on a U.S. Postal Service mailing list, or an  
13      e-mail mailing list. We would prefer, given the  
14      expense of postal mail and the current situations  
15      with the U.S. Mail, to do this by e-mail, so we'd  
16      request that you do that if -- if at all possible.

17             The hearing that we are doing this  
18      evening is the first of a series of events which  
19      are intended to notify both the public, on the one  
20      hand, and the Committee and Commission Members, on  
21      the other, of the nature of the project. We have  
22      visited the site this afternoon, which is out near  
23      the intersections of 25th and Highway 198,  
24      adjoining the PG&E Henrietta Substation. We also  
25      traveled down 25th to the south, looking at the

1 route for the intended gas line.

2 The process is going to run something  
3 like this. After we have the discussions tonight,  
4 we're going to go back to Sacramento. The Staff  
5 has given the Applicant some data requests for  
6 additional information, and that is information in  
7 addition to three binders full of both engineering  
8 and environmental information. The ultimate goal  
9 of the Staff is to create a document based upon  
10 the independent professional review of its experts  
11 of identifying any of the potential impacts of the  
12 project, and mitigation for that. The Applicant,  
13 for its part, has attempted to identify those  
14 potential impacts and recommend mitigation.

15 So, to some degree, the Staff's  
16 undertaking will be to verify whether that  
17 proposed mitigation is adequate for the identified  
18 potential impacts, and if not, they will recommend  
19 something in addition.

20 All that will culminate in a document  
21 called the Staff Assessment, which, together with  
22 the Application, will come back before the  
23 Committee, composed of Commissioner Rosenfeld and  
24 one other Commissioner, for hearings, and those  
25 will be public hearings. If anyone at that

1 particular point feels that there is an impact of  
2 the project that has not been either fully  
3 identified or, number two, has not been fully  
4 mitigated, that will be that person or party's  
5 opportunity to come forth and say we think the  
6 following is an impact that you haven't  
7 identified, or we think the following is the  
8 needed mitigation for an impact that has been  
9 identified.

10 As a result of that Committee hearing,  
11 the Committee will draft a Proposed Decision,  
12 which will be made available for a 30-day public  
13 comment period, and that is a comment period akin  
14 to what you may be familiar with as a Draft  
15 Environmental Impact Report. At the conclusion of  
16 that 30-day comment period, if there's reason for  
17 any substantial changes, they will be made in a  
18 Revised Presiding Member's report. If there are  
19 not, then the Committee will take the matter to  
20 the full Commission, which is composed of five  
21 members appointed by the Governor, which will then  
22 review the proposed decision, and if they find it  
23 to their liking, will adopt it and the project  
24 will be certified, and then the Applicant may  
25 proceed with construction.

1                   So that's the general outline of the  
2                   process. We're going to have the Applicant  
3                   present its project now, and then be followed by  
4                   the Commission Staff.

5                   Mr. Wheeler.

6                   MR. WHEELER: Good evening. My name is  
7                   Doug Wheeler. I'm here this evening representing  
8                   GWF Energy LLC. And what I'd like to do is walk  
9                   you through a brief overview of the project.

10                  The project is located on 25th Avenue,  
11                  here, adjacent to the Henrietta -- PG&E Henrietta  
12                  Substation, which is located right here. The  
13                  Lemoore Naval Air Station is located here, 198  
14                  located here. The Avenal cutoff here.

15                  When we went out on the site visit this  
16                  afternoon, let me point out just a couple other  
17                  things while I've got this aerial map up. There  
18                  are -- the first key observation point was taken  
19                  from about this location. There was another,  
20                  observation point two, which was located down here  
21                  -- excuse me, here. The first one is here. This  
22                  is the closest residential receptor here that  
23                  we'll be talking about when we talk about noise.

24                  There was another observation point  
25                  taken from 198, looking in a southeasterly

1 direction, and an observation point due south of  
2 the plant.

3 The -- an overview of the project. The  
4 project, for those who -- who are familiar with  
5 the Hanford Energy Park Peaker, is almost  
6 identical to that project. That project is -- was  
7 commissioned in late August, and is currently in  
8 operation in Hanford.

9 The project will include two natural  
10 gas-fired General Electric LM6000 Sprint gas  
11 turbines. It will produce 91.4 megawatts of  
12 electricity. That generation has been contracted  
13 to the California Department of Water Resources.

14 As I mentioned, the project will be  
15 located adjacent to the Henrietta Substation. The  
16 reason why that's important is one of the aspects  
17 of siting a project is to try to select a project  
18 that provides minimum environmental impacts  
19 associated with the linears of that project. And  
20 when I say linears, where the project will  
21 interconnect to the utility grid, where the  
22 project will take its water from, and where the  
23 project will take gas from.

24 The project will need -- provide needed  
25 power to California. This is a peaking facility,

1       which means it will be dispatched by Department of  
2       Water Resources when the state needs electricity.  
3       That will be primarily during the summer months,  
4       between May and October. DWR, the contract, DWR  
5       has rights to 4,000 hours of operation of the  
6       plant's generating capacity.

7               This is a -- an aerial view of the  
8       project. Again, the substation located here, 25th  
9       Avenue located here. This is the project site.  
10      It's on a 20 acre parcel. Of that 20 acres, the  
11      project, when completed, would occupy seven acres  
12      of that 20 acre parcel. The water will be  
13      delivered through a Westlands standpipe, which is  
14      located approximately here. Gas will be provided  
15      through a 2.1 mile natural gas, 12 inch natural  
16      gas line that will run on the east side of 25th  
17      Avenue.

18             This is a general arrangement drawing of  
19      the -- the project. Again, the substation, 25th  
20      Avenue. The two gas turbines here, and the HRSGs  
21      and the stacks. This is the switchyard, the A-  
22      frame, where the transmission interconnect will  
23      come across this A-frame by -- in this direction,  
24      and intertie with the substation here.

25             This is a process flow -- process flow

1 diagram. The gas turbine located here. Again,  
2 each of these turbines produces approximately 46  
3 megawatts. The turbine inlet is cooled, has an  
4 inlet air cooling system. During the summer  
5 months, when this project would operate, with the  
6 elevated ambient temperatures, the efficiency of  
7 the turbine can be improved, or the generation can  
8 be increased by cooling the inlet air to the  
9 turbine.

10 Water is used in two places in the  
11 plant. One, the inlet air cooling, and secondly,  
12 water is injected into the gas turbine to control  
13 oxides of nitrogen, NOx emissions, from the -- the  
14 turbine into the -- the SCR system, located up  
15 here. The project will use about 150 acre/feet of  
16 water per year, 100 acre/feet for NOx control, and  
17 about 50 acre/feet for cooling.

18 This is the first observation point.  
19 This particular view, looking towards the  
20 southwest, you can see the Henrietta Substation  
21 here. This is taken along the Navy road that runs  
22 behind the Navy housing. As you can probably see  
23 from this elevation, the roadbed is actually up  
24 here. The Navy road sets at a lower elevation  
25 than the -- the road.

1                   This is a -- that same baseload rendered  
2                   with the HPP site, and it's located right here.  
3                   Really, all you can see are the stacks. Pointed  
4                   out on the site visit that the height of the  
5                   stacks is 85 feet, which is approximately the same  
6                   height as the tallest structure in the substation.

7                   This is another observation point, again  
8                   looking southwest. This is actually standing on  
9                   the shoulder of Highway 198, looking at the  
10                  substation. These are the 230 towers. Again, as  
11                  a point of reference, these towers are  
12                  approximately 120 feet tall. This tower here is  
13                  140 feet tall. And again, the maximum height  
14                  structure in the substation is about 85 feet. The  
15                  HPP site rendered, you can see the two stacks  
16                  located here.

17                  This is another observation point, again  
18                  looking southwest from, again, the -- one of the  
19                  back yards of the residence, the closest residence  
20                  to the -- the site. This is the residence that  
21                  would be the closest residential receptor from a  
22                  noise perspective. The -- the rendering here  
23                  shows the -- the project, proposed project located  
24                  here.

25                  This is a view looking due south from



1 the entrance to the Lemoore Naval Air Station.  
2 This is the same view rendered. I guess if we had  
3 taken this a little bit one side or the other, the  
4 stacks are located right here.

5 This is another view from 198, looking  
6 southeast. Again, the substation, Henrietta  
7 Substation located here. This is the rendered  
8 view with the project located here.

9 This is another view looking north,  
10 almost due north, along 25th Avenue, at the  
11 Henrietta Substation. Again, as a reference  
12 point, these power poles are about 72 feet high.  
13 These poles on the west side of the 25th Avenue  
14 are 60 feet tall.

15 This is the same view rendered with the  
16 project. The dominant structure in the -- in the  
17 project are the stacks and the SCR units that are  
18 located here. The groundwater surge tank, storage  
19 tank, and the -- water storage tank.

20 A number of environmental issues were  
21 identified and evaluated in the application. I'm  
22 only going to touch on a couple this evening.  
23 One, air quality, water resources, noise, biology,  
24 land use, hazardous materials.

25 Under air quality, the proposed project

1 will incorporate best available control  
2 technology. For NOx control, as I mentioned, the  
3 turbine will use water injection into the turbine  
4 to control NOx to 25 ppm. We will also be using a  
5 -- an SCR system, which will drop the NOx. It  
6 does use aqueous ammonia to reduce the NOx to 3.6  
7 parts per million. I should point out that the  
8 BACT requirement within the air district and  
9 the -- the guideline that the ARB has published  
10 is five parts per million.

11 To control CO and VOC, the project will  
12 incorporate an oxidation catalyst. The CO will be  
13 controlled to six ppm, and the VOC to two ppm,  
14 consistent with the BACT regulations within the  
15 district and the ARB guideline. PM10 -- excuse  
16 me?

17 (Question from the audience.)

18 MR. WHEELER: The CO and the VOC will be  
19 controlled to -- CO to six ppm, VOC to two ppm,  
20 which is consistent with the district BACT  
21 guidelines and the ARB guidelines.

22 Natural gas, for PM10, the project, as I  
23 mentioned, uses natural gas, and will use high  
24 efficiency intake filters on the gas turbines.

25 The last point, the San Joaquin Valley

1 Air Pollution Control District has issued the  
2 Final Determination of Compliance for the project.  
3 This is the document that will be incorporated  
4 into the Commission's Final Decision, and lists  
5 all of the conditions relative to air quality  
6 impacts.

7 The -- even using Best Available Control  
8 Technology on the project, there will still be  
9 emissions from the project. To mitigate those  
10 emissions all of the emission reduction credits  
11 have been purchased for the project. The ERCs  
12 will be provided at a ratio greater than one to  
13 one. And by greater than one to one, what I mean  
14 is in the air district regs, if a offset source is  
15 located within a 15 mile radius, the offset ratio  
16 is 1.2 to 1. If it's out greater than 15 miles,  
17 it's 1.5 to 1, which means if you've got a pound  
18 of NOx coming out of the stack the emission offset  
19 that's provided is 1.5 pounds.

20 PRESIDING MEMBER ROSENFELD: Do you have  
21 to purchase those for like a year ahead, or what's  
22 the time span on offsetting emissions?

23 MR. WHEELER: The air district before  
24 they could issue the Preliminary Determination of  
25 Compliance, had to be certain that the air quality

1 impacts were mitigated through emission reduction  
2 credits.

3 John, you're shaking your head no.

4 MR. GRATTAN: I think the Commissioner  
5 means do you buy them year by year, do you buy  
6 them --

7 MR. WHEELER: Oh, I'm sorry. These are  
8 for the life of the project.

9 The project is not a federal or district  
10 major source. The significance of that, the  
11 project would not require a PSD permit under the  
12 federal guidelines. The project results in a net  
13 air quality benefit to the region, and, again,  
14 that goes to the emission reduction credits being  
15 provided at a ratio that exceeds the emissions  
16 coming from the project.

17 Water resources. The HPP will use  
18 approximately 100 acre/feet -- 150 acre/feet of  
19 water per year, and that is for evaporative  
20 cooling of the turbines and water injection for  
21 NOx control. The water supply will come from two  
22 sources. One, the 20 acres that has been acquired  
23 for the project has a CDP entitlement held on that  
24 20 acres of 44 acre/feet per year.

25 Now, there's a slight discrepancy. The

1 Westlands, who is the contractor with the Bureau  
2 of Rec, their records indicate that the -- the  
3 water held on this 20 acres is 52 acre/feet. All  
4 of our analysis have used the 44 acre/feet number.  
5 The balance of the water will be provided by Kings  
6 County from their State Water Project entitlement,  
7 and they will be providing 200 acre/feet per year.

8 The project will be a near zero  
9 discharge. By that we mean that the wastewater  
10 produced by the waste -- the water treatment  
11 processes will be recycled, and we will wind up  
12 with approximately one gallon per minute of  
13 wastewater that will be left over after we've  
14 recycled as much as we can back into the plant  
15 operations. And that wastewater will be trucked  
16 offsite, it's approximately one truckload per  
17 week. That wastewater would go to a liquid waste  
18 disposal facility in Kern County, in McKittrick.

19 Stormwater will be contained onsite.  
20 It'll be collected through a drain system and  
21 collected in a stormwater detention basin.

22 Noise. Baseline noise level studies  
23 were completed back in June of this year to  
24 characterize the noise levels in the vicinity of  
25 the project. The proposed project will

1       incorporate noise attenuation design features that  
2       have been modeled to predict the noise levels once  
3       the project is in operation. No cumulative noise  
4       levels exceed the CEC limitation. What we mean by  
5       that, the Energy Commission Staff typically uses a  
6       five dBa increase to delineate what is  
7       significant. The increase at that closest  
8       residential receptor is approximately .5 dBa.  
9       That receptor is about 1.1, 1.2 miles from the  
10      project site. That project noise will not be  
11      audible at that residential receptor.

12               This is a location map showing the --  
13      the noise points that were measured. This is that  
14      closest residential receptor here, N-1. This is  
15      the project, N-3 is the New Star facility on 25th  
16      Avenue. The ambient measurements that were  
17      measured in June, N-1, 41 dBa; N-2, where the  
18      project's located, 34; and N-3 was 28. The  
19      predicted noise level at N-1 is 41.5 dBa, again  
20      about a half a dBa over ambient. The noise level  
21      at the property boundary complies with the Kings  
22      County noise element. The -- the maximum noise  
23      level at the property line is 65 dBa. The noise  
24      element is 70 dBa.

25               Biology and land use. As you saw on the

1 site visit, this is land that is under intense  
2 agricultural use. As you noticed, it's primarily  
3 being farmed in cotton. No habitat features were  
4 sensitive as species were identified. We did,  
5 however, are providing habitat compensation  
6 through the Kern Water Bank Habitat Conservation  
7 Plan. This plan has been reviewed and approved by  
8 U.S. Fish and Wildlife Service.

9 Land use, the 20 acres that the project  
10 would occupy was under a Williamson Act contract.  
11 That contract has been cancelled. The Kings  
12 County Board of Supervisors, after staff prepared  
13 findings that were reviewed by the California  
14 Department of Conservation, did approve the  
15 tentative cancellation. That was approved in June  
16 of this year. The Kings County staff will use the  
17 -- the Staff Assessment, rely on the Staff  
18 Assessment, to make its CEQA findings, and will  
19 take the tentative back to the Board of  
20 Supervisors as early as December, for final action  
21 on the -- the Williamson Act cancellation.

22 Prior to that being cancelled, there is  
23 a cancellation fee. Basically it's taxes that are  
24 owed associated with that cancellation. Those  
25 will be paid by the Applicant before the Board of

1 Supervisors can take final action. And there are  
2 some county processing fees that will also have to  
3 be paid.

4 The project will set on seven acres. We  
5 will be converting that seven acres from ag to  
6 industrial use. We have discussed fee mitigation  
7 with the American Farmland Trust. They have  
8 agreed to acquire replacement property for the  
9 seven acres and hold that in trust. That letter  
10 has been provided, and the -- the agreement with  
11 the Farmland Trust is expected to be completed by  
12 sometime around the middle of this month.

13 Hazardous materials. The project does  
14 use ammonia for control of NOx emissions, uses  
15 that aqueous ammonia in the SCR unit. There are  
16 two types of ammonia that can be used to control  
17 NOx. One is aqueous, the other is anhydrous.  
18 Anhydrous is pure ammonia, aqueous is basically a  
19 water solution of ammonia. The aqueous ammonia  
20 that we would be using is very similar to the  
21 ammonia that is used for agricultural fertilizer  
22 applications in the area.

23 We've modeled how -- spill events, the  
24 maximum credible event is basically if you dump  
25 the entire contents of the truck in an unloading



1 process, we have provided a secondary containment  
2 structure, and should that occur, if we had that  
3 release, there are no offsite consequences  
4 associated with that release. This is the  
5 modeling results, this is the containment  
6 structure located here, this is the property  
7 boundary, the seven acre property boundary here.  
8 This is the 200 part per million concentration,  
9 and the 75 part per million concentration here.  
10 Obviously, well within the plant boundaries.  
11 So, again, the importance of this is there are no  
12 offsite consequences.

13 Environmental and economic benefits.  
14 The project will operate as a peaking facility,  
15 help meet the critical energy requirements for the  
16 state in 2002. The project will use natural gas  
17 as a fuel source, and state of the art air  
18 pollution control equipment. Emission offsets  
19 will be provided to mitigate any air quality  
20 impacts, and, in fact, provide an air quality  
21 benefit to the region.

22 It will provide approximately \$1 million  
23 a year in local property taxes, an additional  
24 approximately \$2 million a year purchase of local  
25 goods and service during the construction phase,

1 and an additional \$30,000 a year goods and  
2 services during operations.

3 That concludes my presentation. If  
4 there are any questions I'd be glad to take them.

5 MR. GRATTAN: Schedule.

6 MR. WHEELER: Schedule. Thank you.

7 One other part of this project that is  
8 very critical to us is the time that it will  
9 require to construct this plant. As I mentioned,  
10 the generation is under contract to the Department  
11 of Water Resources. The commercial operating date  
12 that's stipulated in that contract is June of  
13 2002. As I mentioned, this project is very  
14 similar to the project that we built in Hanford.  
15 We built that project in 87 days. What's  
16 important to recognize is there are some  
17 differences in what we're proposing with the  
18 Henrietta project as it relates to the  
19 construction schedule.

20 Because of the shallow groundwater in  
21 the area, we will have to drive piles for  
22 foundations for the turbines. In the Henrietta  
23 project, the SCR units, oxidation catalysts, will  
24 be installed as part of the project. This  
25 represents approximately a six-week bump in the

1 construction schedule. The point is that we would  
2 very much like to begin construction on this  
3 project during the month of January. Let's say  
4 for a minute that it's the middle of January.  
5 With a five-month construction schedule that puts  
6 us slightly past the -- the contract operating  
7 date.

8 But the point is that the construction  
9 schedule for this project is going to be  
10 challenged, and we would like to see the project  
11 processed by the Commission as quickly as we can.

12 That concludes my comments. If there  
13 are any questions? Thank you.

14 HEARING OFFICER SHEAN: Mr. Eller.

15 MR. ELLER: There are copies of the  
16 materials up here, if you didn't get one.

17 (Pause.)

18 MR. ELLER: Tell you what, let me just  
19 work from the handout. We've had some  
20 introductions already this evening. I'll just  
21 move fairly quickly through this.

22 If you'd like a copy of the slides that  
23 we were going to show this evening, please grab  
24 one afterwards.

25 Generally, I want to talk about -- a bit

1       about the purpose of the process of the Commission  
2       for siting, and some of our role in that process  
3       as Staff.

4               The purpose of the siting process is to  
5       ensure that a reliable supply of electrical energy  
6       is maintained at a level consistent with the need  
7       for such energy for protection of the public  
8       health and safety, for the promotion of general  
9       welfare, and for environmental quality protection.  
10      And that's from the Public Resources Code  
11      establishing the Commission.

12             The Commission's role in siting power  
13      plants, we look at power plants of 50 megawatts or  
14      greater and their related facilities, such as  
15      transmission lines, water supply systems, natural  
16      gas pipelines, et cetera. And we are the lead  
17      agency for the California Environmental Quality  
18      Act, or CEQA.

19             We generally have a three-step licensing  
20      process, which is -- started with data adequacy,  
21      where we determine whether the Applicant has met  
22      the minimum requirements for the application's  
23      information. We then go to Staff discovery and  
24      analysis, which is the current phase of this  
25      proceeding, where we ask the Applicant additional

1 data requests on the project. We hold at least  
2 one or more workshops with the Applicant and the  
3 public, and any other interested parties. And  
4 then we -- that results in a Staff Assessment of  
5 the project.

6 Finally, we have an Evidentiary Hearing  
7 and Decision process, where the Committee will  
8 hold the Evidentiary Hearing, produce the Proposed  
9 Decision, which will ultimately be a decision by  
10 the full Commission.

11 During the discovery and analysis  
12 process and the hearing and decision process,  
13 Intervenors and the public are assisted by the  
14 Public Adviser to provide input to the proceeding  
15 and to the Staff's Assessment. Applicant and any  
16 local agencies and staff of state and federal  
17 agencies also provide input to Staff's Assessment,  
18 and to the -- to the Committee's Proposed  
19 Decision.

20 During the Evidentiary Hearing and  
21 decision process, Staff's testimony, represented  
22 by Staff Assessment, is -- is taken in as Staff's  
23 testimony in that hearing process. Applicant will  
24 provide hearing testimony to that hearing process,  
25 and other parties and Intervenors will provide

1       their own testimony in the hearing process, which  
2       will result in the Committee's ultimate Proposed  
3       Decision.

4               Staff's analysis of the AFC, we  
5       determine if the proposed -- proposal complies  
6       with all applicable Laws, Ordinances, Regulations,  
7       and Standards, or LORS. We conduct engineering  
8       and environmental analysis to identify issues,  
9       evaluate alternatives, identify mitigation  
10      measures, and recommend conditions of  
11      certification.

12             We facilitate public and agency  
13      participation in the process, and we -- the result  
14      -- our product is our Staff Assessment. And we  
15      make -- that Staff Assessment is the  
16      recommendations to the Committee.

17             Staff works closely with local, state  
18      and federal agencies, such as Kings County, San  
19      Joaquin Valley Air Pollution Control District. At  
20      the state level we're working with Air Resources  
21      and Department of Fish and Game. And as you've  
22      heard earlier, the federal Fish and Wildlife  
23      Service and USEPA are involved in the process, as  
24      well.

25             We talked about what happens after the

1       Staff Assessment and the Commission's Proposed  
2       Decision, so I'll skip about that.

3               On our public process, we have an open  
4       public process. Workshops and hearings are always  
5       noticed 10 to 14 days in advance to anyone who is  
6       on our mailing list. If you're not on our mailing  
7       list and would like to be, just sign in tonight  
8       and ask to be added to that list.

9               Documents in this process, the  
10       Applicant's filing for the project are available  
11       for public review in public libraries in Lemoore  
12       and Hanford, also in Sacramento, Los Angeles, San  
13       Francisco, San Diego, Fresno and Eureka, and at  
14       the Energy Commission's Library in Sacramento.  
15       It's also available on our Web site, and if you  
16       need that address it's available here in the  
17       handout.

18              You can participate by submitting  
19       written comments or statements to the Commission,  
20       presenting oral comments at public meetings,  
21       becoming a formal Intervenor, or providing written  
22       comments on the Staff Assessment. And I have a  
23       number of contacts for the project, including  
24       myself and the Committee, available for you.

25              Staff, on November 2nd, issued a Issue

1 Identification Report. The purpose of that report  
2 is to inform participants of potential issues and  
3 provide an early focus for the case. The criteria  
4 for providing issues at that point are impacts  
5 that might have -- may be difficult to mitigate.  
6 There may be non-compliance problems with LORS,  
7 and additionally be potentially contentious and  
8 may impact the schedule.

9 We identified three areas that we have  
10 discussed in that report. They're air quality,  
11 land use, and socioeconomics.

12 In the area of air quality, Staff's --  
13 the Applicant's identified additional construction  
14 impacts in their supplement provided with the AFC  
15 in order to become data adequate. We had asked  
16 them to look at some of their modeling and provide  
17 further information, that would include the  
18 results of the revised construction impacts  
19 analysis, along with a discussion of recommended  
20 construction measures in our Staff Assessment.

21 (Inaudible asides.)

22 MR. ELLER: I should add that at this  
23 time, Staff does not believe there are any major  
24 issues that cannot be mitigated to a less than  
25 significant level from this project.



1                   In land use, the -- you heard earlier  
2                   about the tentative cancellation of the  
3                   agricultural preserve contract. We are working  
4                   with Kings County to make sure that our Staff  
5                   Assessment can be used by the county in order to  
6                   assure their final cancellation.

7                   There are some issues regarding the  
8                   Lemoore air safety and security. As you're all  
9                   aware, we have heightened interest in security  
10                  around bases these days. We're making sure that  
11                  nothing from this project will impact their -- the  
12                  Lemoore Naval Air Station.

13                  Finally, in socioeconomics, the four-  
14                  month review process requires that an Applicant  
15                  contract with a general contractor and contract  
16                  for an adequate supply of skilled labor to  
17                  construct, operate, and maintain a thermal power  
18                  plant. Staff has asked data requests for evidence  
19                  of those contracts.

20                  And, finally, we have offered a revised  
21                  schedule, which we'll probably take up in a few  
22                  minutes, and I will leave it at that.

23                  Are there any questions?

24                  Thank you very much.

25                  HEARING OFFICER SHEAN: Moving along on

1       our agenda. Does CURE, which has signed -- filed  
2       a petition to intervene, want to make any comments  
3       at this point?

4               MS. STANFIELD: Not at this point.

5               HEARING OFFICER SHEAN: All right. At  
6       this point we'd like to throw the meeting open to  
7       some of the governmental and agency officials.  
8       And I'm not sure I have these still in the order  
9       we got them, but we have -- why don't we do this,  
10      probably in the order of seniority here, which  
11      would be -- is it Tony --

12              MR. OLIVERA: Olivera.

13              HEARING OFFICER SHEAN: Sure, why don't  
14      you come up please, sir.

15              MR. OLIVERA: Hi. I'm Tony Olivera, and  
16      I'm the Chairman of the Board of Supervisors for  
17      Kings County. Supervisor Neves will be making  
18      more detailed comments, because this is in his  
19      particular district and he has spent a lot of time  
20      throughout this project.

21              And I just want to say, as the Chairman  
22      of the Board of Supervisors, as Joe will go over  
23      the different steps that were approved, it has  
24      been unanimous. And I'm also a farmer out in that  
25      area, and I want to tell you that we think it's a

1 great project out there. It's something that this  
2 county needs, it's something that the State of  
3 California needs. And it's been a privilege  
4 through the process of this plant, and the one in  
5 Hanford, to work with GWF, a very professional  
6 firm. And it's been a privilege to work with  
7 members of your Staff and the other agencies  
8 involved.

9 And really, in the public meetings that  
10 we had, both the location of the facility, of  
11 the -- pulling the property out of the Williamson  
12 Act, and also providing the water for the  
13 facility, there has been no negative comments from  
14 the community. It went through a -- a process  
15 within our county where our Water Commission has  
16 looked at it. There's a member of the Water  
17 Commission here tonight. And it's gone through  
18 the process of siting because of the land use  
19 facility out in agriculture.

20 And I'm going to leave the rest of the  
21 comments to Supervisor Neves, because he has in  
22 detail actually the things that were done in Kings  
23 County to facilitate the use of this project.

24 Thank you.

25 HEARING OFFICER SHEAN: Thank you, Mr.

1 Olivera.

2 MR. NEVES: Yes, sir. For the record,  
3 my name is Joe Neves. I am on the Kings County  
4 Board of Supervisors, representing District 1, to  
5 which you are at right now, as well as the  
6 location of the plant.

7 Besides the action of cancelling the  
8 Williamson Act taken by the Board of Supervisors,  
9 the Board of Supervisors have taken three other  
10 actions. The first two regarding language in the  
11 General Plan, that will allow construction of the  
12 plant in an agricultural area. The second action  
13 was to adjust the language in the zoning  
14 documents, to allow the construction of a  
15 generating plant in the agricultural area.

16 And most recently, this past Tuesday,  
17 agreed to the water transfer agreements as  
18 reviewed by the Kings County Water Commission, and  
19 approved unanimously on Tuesday by the Board of  
20 Supervisors to be the agent for the State Water  
21 Project.

22 This is a real good project. We are  
23 dealing with individuals we -- we know, have been  
24 neighbors, have existed in the Hanford Energy  
25 Park, and so it's -- it is the working

1 relationship we have with Mr. Wheeler and Mr.  
2 Jones that really make government work very, very  
3 efficiently. And to have this done prior to this  
4 hearing, I think is a real testament to their work  
5 ethic and the responsiveness of the Kings County  
6 Board of Supervisors.

7 Thank you.

8 HEARING OFFICER SHEAN: Thank you, sir.  
9 Appreciate it.

10 Let's stay with the county  
11 representatives, and this would be Mr. Trapnell,  
12 from the Kings County Planning Commission.

13 MR. TRAPNELL: Mr. Chairman, Skeet  
14 Trapnell. I'm Chairman of the Kings County  
15 Planning Commissioners, of which we also have  
16 another member of that Planning Commission here,  
17 Mr. Riley Jones, a fine employee of GWF. I'm also  
18 a farmer, like many of us in the county.

19 Speaking for the Planning Commission, as  
20 Supervisor Neves mentioned, we put together the  
21 change in our General Plan in a period of about --  
22 I think about two weeks, had it through the  
23 Planning Commission the next week, and on to the  
24 Board of Supervisors, and that was done in a  
25 matter of about a month, total. Very prompt

1 action.

2 The folks here in this county recognize  
3 the value of this project. It will be most  
4 welcome. It's environmentally friendly. It's  
5 been planned and executed thus far very  
6 professionally. We're very -- we're very proud of  
7 it.

8 Speaking as a farmer, I would not like  
9 to go through another summer like we did this past  
10 summer, knowing that when you went out to turn on  
11 the pumps to run water on your crops, that you  
12 depend on for your livelihood, and having some  
13 doubts as to whether or not that motor was going  
14 to turn. That, from a very personal standpoint,  
15 is the value of this project. Knowing that when  
16 you hit that button, that motor's going to turn.

17 Thank you, sir.

18 HEARING OFFICER SHEAN: Thank you.

19 Okay. And Don Mills, please.

20 MR. MILLS: Good evening. My name is  
21 Don Mills. I'm General Manager of Kings County  
22 Water District, and Vice President of the Kings  
23 County Water Commission.

24 Both the agencies I represent here  
25 tonight have approved the water resource

1 mitigation proposed by GWF on this project. GWF,  
2 as I have worked through with them the mitigation  
3 for water resources on the Hanford Peaker Project  
4 that has been completed, have been proactive in  
5 that they have hired competent local water  
6 consultant to lead them through the intricacies of  
7 California water, and have acquired a surface  
8 water supply that basically over-mitigates the  
9 projects, and I'd like to commend them for doing  
10 that.

11 The only -- the threat I see is if all  
12 the agencies and units that I deal with on water  
13 resources and protecting the surface and  
14 groundwater resources of our area, are as easy to  
15 deal with as Doug and Riley have been, that maybe  
16 my board of directors wouldn't need me.

17 Thank you.

18 HEARING OFFICER SHEAN: Oh, I'm sure  
19 they wouldn't say that.

20 Okay. We'll go the city now. Mr.  
21 Froberg, is it?

22 MR. FROBERG: Yes, sir. My name is  
23 Steve Froberg, I'm the City Manager of Lemoore,  
24 and I've been directed by my City Council to  
25 represent their thoughts and opinions on the

1 project to you.

2 I really can't -- can't do much more  
3 than echo the previous comments. GWF is probably  
4 the epitome of a corporate neighbor, and so much  
5 so that they received the President's Award from  
6 our County Economic Development Corporation just  
7 recently. They're -- they're great neighbors,  
8 professionals in all aspects, and I think an  
9 example of their commitment to the environment is  
10 witnessed by the relationship that they've  
11 developed with the American Farmland Trust.

12 So, again, we are -- we are fully  
13 supportive of the project and the economic  
14 benefits, and, of course, the -- the additional  
15 power that it would provide.

16 Thank you, sir.

17 HEARING OFFICER SHEAN: Thank you.

18 Is there any other member of the  
19 audience who would like to speak? Yes, sir.

20 MR. VIRDEN: My name is Mike Virden, I'm  
21 the Fire Marshal for the Kings County Fire  
22 Department.

23 I reviewed the plan on this project, and  
24 the mitigation of the hazardous materials that  
25 they have. It -- it's negligible. They have



1       planned basically for just about everything that  
2       could go wrong with the safety systems that they  
3       have installed. I don't believe this to be a true  
4       hazard of any kind of anything that we could not  
5       handle. The systems in themselves will take care  
6       of just about anything that happens, and with the  
7       secondary containment, as he explained earlier,  
8       would never leave the site.

9               So this is -- this doesn't constitute a  
10       hazard, in my opinion.

11              Thank you.

12              HEARING OFFICER SHEAN: All right.

13       Thank you.

14              Anyone else? Do we have a  
15       representative here from the Lemoore Naval Air  
16       Station? Apparently not.

17              MR. ELLER: I had been informed Don  
18       Roberts, from the Naval Air Station, would be  
19       here, but they also informed me that they really  
20       had no concerns with the project.

21              HEARING OFFICER SHEAN: Okay. We're  
22       going to move into a discussion about schedule,  
23       just after I ask a couple of questions. But are  
24       there other -- any other public comments or  
25       questions, we'll sort of get to some housekeeping

1 matters dealing with the -- the schedule here.

2 But I -- I do have a couple of  
3 substantive questions, and they arise with regard  
4 to the -- let's ask first about the gas pipeline.  
5 Do you know how they're going to cross the Avenal  
6 cutoff, that road, is it proposed to be a -- cut  
7 and cover --

8 MR. WHEELER: It would be board.

9 HEARING OFFICER SHEAN: It will be  
10 board. Okay. And the traffic that goes -- and  
11 the traffic control along 25th Street, is that to  
12 be -- first of all, has that been specified in the  
13 AFC or any other documents that you've submitted,  
14 or are you counting on PG&E to -- or your gas  
15 provider to handle that?

16 MR. WHEELER: Dave, can you -- there  
17 will be a -- a traffic control plan submitted.  
18 That hasn't been specifically developed, as far as  
19 the analysis in the document. I think other than  
20 providing the plan, that's -- that's the way it  
21 will be addressed.

22 HEARING OFFICER SHEAN: Okay.

23 MR. WHEELER: And we will work with the  
24 gas company.

25 HEARING OFFICER SHEAN: A plan that

1 would be executed then by the gas company,  
2 essentially.

3 MR. WHEELER: Yes.

4 HEARING OFFICER SHEAN: All right. Did  
5 I see in your plans that you have an evaporation  
6 pond, and that that's for your stormwater runoff?

7 MR. WHEELER: That's correct, yes.

8 HEARING OFFICER SHEAN: Okay. Have you  
9 talked to the -- the Navy at all about whether or  
10 not that -- when -- when full, might create a --  
11 become a BASH issue, a Bird Air Strike Hazard?  
12 Has that occurred?

13 MR. WHEELER: We haven't had that  
14 specific discussion, but we should've pointed out  
15 the Naval Air Station does have a fairly large  
16 pond that is approximately one-half mile east of  
17 the project site. The amount of time that water  
18 would be in that stormwater detention basin would  
19 be fairly short, it's not going to hold water  
20 year-round. This is a fairly arid climate. The  
21 average rainfall is about seven and a half inches  
22 per year.

23 HEARING OFFICER SHEAN: Okay. So you  
24 expect to be seasonal in terms of when there's  
25 water in there, and for at least the -- the wild

1 fowl migrations through the Pacific flyway  
2 would -- would generally not correspond to the  
3 time that they would be --

4 MR. STEIN: Well, as -- as Doug pointed  
5 out, the -- Dave Stein, with URS. There's a very  
6 substantial sewage treatment pond area  
7 approximately half a mile northeast of the site.

8 MR. WHEELER: Yes.

9 MR. STEIN: That is -- I don't know how  
10 many acres it covers, it's -- it's very -- it's  
11 quite large.

12 HEARING OFFICER SHEAN: Okay.

13 MR. STEIN: And so water fowl are  
14 already present in the area, and there's, you  
15 know, abundant supply of -- of food available  
16 through those -- through those ponds. The -- the  
17 introduction of this small additional water source  
18 is not expected to significantly change the -- the  
19 nature of the -- the bird visitation area.

20 HEARING OFFICER SHEAN: Okay. In  
21 relationship to Path 15, are you guys electrically  
22 north of, south of, or in it; do you know?

23 MR. WHEELER: We're -- we are in North  
24 Path 15.

25 HEARING OFFICER SHEAN: North of.

1 MR. WHEELER: Yes.

2 HEARING OFFICER SHEAN: Okay. That's  
3 all I had.

4 I have a couple of the Staff, on your  
5 Issue Identification Report. Having viewed the --  
6 well, let me go --

7 MR. ELLER: I have to apologize. It  
8 appears that some of the copies we brought today  
9 are missing every other page. We have a two-sided  
10 copy, but did not get two-sided copies.

11 HEARING OFFICER SHEAN: Okay. Well, let  
12 me just ask with regard to these issues. Where do  
13 you think we are today, based upon, you know,  
14 something that's been said here, the -- the land  
15 use issue and the matter of the --

16 MR. ELLER: Staff fully expects that the  
17 data responses and the comments we've heard this  
18 evening, and the action of the Kings County Board  
19 of Supervisors, will resolve the concerns.

20 HEARING OFFICER SHEAN: Okay. And with  
21 regard to -- I guess GWF indicated as to the loss  
22 of ag land and the agreement with the American  
23 Farmland Trust. That's forthcoming by the middle  
24 of the month, or something like that?

25 MR. WHEELER: Yes, that's correct.

1                   HEARING OFFICER SHEAN: Okay. And the  
2                   Lemoore Naval Air Station air safety issue, having  
3                   viewed the site and that there are transmission  
4                   towers already taller than the stacks of the  
5                   project, is height of the project --

6                   MR. ELLER: It does not appear to be a  
7                   concern. It's consistent with the existing  
8                   landscape around the proposed facility.

9                   HEARING OFFICER SHEAN: All right. So  
10                  can you identify any other issues that you  
11                  think -- or just identify the issues which offer  
12                  the critical path, in terms of the schedule for  
13                  the preparation of the Staff Assessment.

14                  MR. ELLER: We have not seen the  
15                  proposed air quality construction impacts that  
16                  we've revised estimates for emission -- emissions  
17                  that are expected in the data responses. I  
18                  believe that's the leading item right now that  
19                  would -- in our analysis. We are in receipt of  
20                  the final DOC, which has been docketed, so we're  
21                  down to looking at the construction impacts for  
22                  air quality.

23                  HEARING OFFICER SHEAN: Okay. Now, the  
24                  final DOC did address some fugitive dust issues.  
25                  Do you have reason to believe, or do your air

1       quality people have reason to believe that the --  
2       what we call the air quality construction  
3       conditions that, for example, are found in either  
4       the -- the Hanford SPPE decision, or are found in  
5       some recent decisions dealing with fugitive dust  
6       mitigation plans and the emissions from  
7       construction vehicles, are going to be -- would be  
8       insufficient for this particular project?

9               MR. WALTERS:  Would you like me to  
10      answer that?

11             HEARING OFFICER SHEAN:  You bet.

12             MS. DeCARLO:  Sure.

13             MR. WALTERS:  Will Walters.

14             MS. DeCARLO:  Will Walters is our Air  
15      Quality Staff working on the issue.

16             MR. WALTERS:  Yeah, Will Walters.  Work  
17      with Aspen, contractor with the Energy Commission.

18             I actually haven't seen the FDOC yet.  
19      Hopefully, actually, I want to get a copy tonight,  
20      or it's in the mail.  I'm not sure which.

21             However, I do believe that with  
22      mitigation and looking at remodeling, that we  
23      should be able to mitigate the problems we saw in  
24      the initial AFC package.

25             HEARING OFFICER SHEAN:  And what do you

1       need to satisfy yourself that you have sufficient  
2       information to conclude that whatever potential  
3       impacts you see have been -- will have been fully  
4       addressed by the Applicant?

5               MR. WALTERS:  Basically complete and  
6       adequate responses to the data requests.

7               HEARING OFFICER SHEAN:  Okay.  Why don't  
8       we have the Applicant come back up and tell us  
9       what you think you're providing, and so on, like  
10      that.

11              MR. STEIN:  This is Dave Stein, with  
12      URS.  We -- we intend to file a complete set of  
13      data responses in the next day or two, and those  
14      will -- those will include responses to all of the  
15      data requests, not just those in air quality.  But  
16      we have provided revised construction emissions  
17      impact modeling, and we believe that the impacts  
18      are insignificant, and that they will respond to  
19      Staff's requests.

20              HEARING OFFICER SHEAN:  Okay.  Now, with  
21      respect -- I know in your AFC, as you originally  
22      filed it, you had submitted suggested conditions  
23      of certification.

24              MR. STEIN:  Yes.

25              HEARING OFFICER SHEAN:  And I don't



1 recall off the top of my head whether or not you  
2 included these AQC-1 through whatever type of  
3 conditions dealing with the fugitive dust  
4 mitigation plan and the construction equipment  
5 exhaust control and fuel sulfur content  
6 requirements. Have you looked at such conditions,  
7 either in the prior Hanford decision or subsequent  
8 Commission decisions?

9 MR. STEIN: We have included suggested  
10 conditions for construction, which we believe  
11 would be adequate to mitigate the potential  
12 impacts from the project during construction to  
13 levels that would be considered insignificant.

14 HEARING OFFICER SHEAN: Okay. And is  
15 that part of a prior filing, or part of this one  
16 that's coming up?

17 MR. STEIN: The -- the conditions that  
18 we have proposed are in the original filing, as  
19 supplemented during the data adequacy review.

20 HEARING OFFICER SHEAN: Okay. So we  
21 would find those in the AFC, as well as the  
22 supplements.

23 MR. STEIN: I believe it's Appendix K.

24 HEARING OFFICER SHEAN: That's my  
25 recollection. All right.

1                   Okay. Why don't we launch into a  
2                   discussion about the schedule. The Committee had  
3                   put out a draft schedule in the notice of this  
4                   particular meeting, based upon the fact that we've  
5                   had an extremely unusual circumstance, that is,  
6                   the air quality Preliminary Determination of  
7                   Compliance had been filed, my recollection is,  
8                   before the case was deemed data adequate, or very  
9                   near to it, and that we now have the -- after a  
10                  30-day public comment period on the Preliminary  
11                  Determination of Compliance, we have in hand the  
12                  Final Determination of Compliance. To my  
13                  recollection, in nearly 24 years, we've never had  
14                  that situation.

15                 The Committee had proposed, given the  
16                 Applicant desired online date, a seriously  
17                 accelerated schedule. Staff has filed a response  
18                 indicating that they believe they could not do the  
19                 draft schedule, and has proposed a different one,  
20                 which would use basically the entirety of the four  
21                 months from the date of acceptance as data  
22                 adequate. And for the audience's reference, that  
23                 was -- day zero was October 17th, and day -- well,  
24                 four months takes us to the Commission Business  
25                 Meeting on February 13th.

1                   So, why don't we just get into it. And  
2                   I can indicate that there needs to be a division  
3                   of responsibility here, because it, to a certain  
4                   degree, it's up to the Applicant to provide the  
5                   information that needs to be made available to the  
6                   Staff to conduct its independent review. The  
7                   Staff has a responsibility to move on that when  
8                   they get it, and ask for what they -- they need,  
9                   if they don't have it, to not ask for more than  
10                  they need. And then ultimately, it comes down to  
11                  the Committee to review both the Applicant's  
12                  filings and the Staff's filings, and those of any  
13                  other agency or party, and come out with the  
14                  Proposed Decision.

15                 What we've attempted to do at the  
16                 Commission, from the Commissioners' side, is to  
17                 analyze basically the minimum number of days that  
18                 are needed for the required public comment  
19                 periods, and that needed for the Committee to  
20                 deliberate and put out a Proposed Decision, and  
21                 that necessary for any party to assure that it has  
22                 a meaningful opportunity to be heard at Commission  
23                 hearings. And then an adequate amount of time for  
24                 the Staff to produce its Staff Assessment.

25                 It's very difficult, given the nature of

1 the accelerated process, to keep everybody happy.  
2 And I think, therefore, the solution probably is  
3 with everyone a little bit unhappy. And we are  
4 going into the lion's teeth of the holiday season,  
5 and that poses both scheduling difficulties, in  
6 terms of what dates are available, as well as just  
7 pressures on people that -- who are otherwise  
8 entitled to enjoy the holidays, to a minimum.

9 Based upon the work that has been done by the  
10 Commission Staff and the Commissioners and the  
11 Committees, themselves, we have since January of  
12 last year, been basically at a breakneck pace, and  
13 have had no relief whatsoever. Most everybody is  
14 pretty well burned out, and a lot of our  
15 applicants are, too.

16 So, having said that, why don't we  
17 launch into this. We've sort of heard a little  
18 bit from the Applicant. If you have more that  
19 you'd like to offer, then we can go to the Staff.  
20 I don't know that we're going to be able to  
21 resolve this tonight, but at least the Committee  
22 will have enough to chew on as we drive home.

23 Do you have anything further, either Mr.  
24 Wheeler or Mr. Grattan?

25 MR. GRATTAN: I didn't hear a word you

1       said in the -- in the past sentence. I'm sorry.

2               HEARING OFFICER SHEAN: You're probably  
3       better off for it.

4               (Laughter.)

5               HEARING OFFICER SHEAN: Would you like  
6       to comment further with respect to the schedule?

7               MR. GRATTAN: Yes. Actually, I -- I  
8       don't have a schedule to suggest. We do like the  
9       end date proposed by the Committee. We understand  
10      that there are certain front end things that may  
11      cause the Staff problems. I would -- I would like  
12      to propose that the Committee and Staff discuss  
13      this, and maybe what we're looking for is if we  
14      can get a Staff Assessment out in late November,  
15      and take it -- take it from there. Because I --  
16      we're -- we're not here to tell the Committee how  
17      much time it needs to -- or the Hearing Officer  
18      how much time he needs to write the Presiding  
19      Member's Proposed Decision.

20              But I know that if we -- if the Staff  
21      Assessment came out in late November, that might  
22      be something we could work with to get a -- to get  
23      a final decision in mid-January.

24              HEARING OFFICER SHEAN: Okay. Let me  
25      ask you this. In the Henrietta accelerated four-

1 month schedule that was appended to the notice for  
2 this particular meeting, there's a highlighted  
3 block called Initial Critical Path Items Required  
4 From the Applicant.

5 MR. GRATTAN: Right.

6 HEARING OFFICER SHEAN: Are there any  
7 that are included within that list that haven't  
8 been provided, or are -- is there, and I  
9 understand you have a current response plan for  
10 data requests. Why don't we just go through those  
11 and see if any of them have been --

12 MR. GRATTAN: Certainly.

13 HEARING OFFICER SHEAN: -- supplied, or  
14 if they don't apply at all.

15 MR. GRATTAN: The Preliminary  
16 Determination of Compliance.

17 HEARING OFFICER SHEAN: Yeah.

18 MR. GRATTAN: Well, we have a Final  
19 Determination of Compliance.

20 Biological opinion, or equivalent of  
21 LORS. We have -- we are -- I have joined the  
22 Habitat Conservation Plan, and that should take  
23 care of that.

24 The interconnection review, we are  
25 expecting that in at some -- it's November 15th.

1 And that is a minor change to a study previously  
2 done. We have the will serve letter. We have no  
3 NPDES compliance, but we are providing as part of  
4 our data requests what's called a stormwater plan,  
5 a SWP.

6 HEARING OFFICER SHEAN: Right.

7 MR. GRATTAN: Those data requests will  
8 be in -- I think, is that Monday, is that -- the  
9 responses to the data requests, is that right,  
10 Dave?

11 MR. STEIN: Either Friday or Monday.

12 MR. GRATTAN: Friday or Monday.

13 MR. STEIN: Doug advises me that we  
14 actually already have the approved interconnection  
15 study. It was --

16 MR. GRATTAN: Okay.

17 MR. STEIN: -- with the Tracy project.

18 MR. GRATTAN: Sorry. So -- so we  
19 have -- and do we have the Cal-ISO --

20 MR. STEIN: Yes, we do.

21 MR. GRATTAN: -- approval? Okay.

22 HEARING OFFICER SHEAN: So that's in  
23 hand, not waiting until November 15th.

24 MR. GRATTAN: That's in hand. That's in  
25 hand. We're confusing our projects.

1                   HEARING OFFICER SHEAN: And so other  
2                   than what's to be submitted Friday or Monday, all  
3                   these critical path items are done. Is that  
4                   right?

5                   MR. GRATTAN: Correct.

6                   MR. STEIN: Correct.

7                   HEARING OFFICER SHEAN: Stereo.

8                   All right.

9                   MR. ELLER: Mr. Shean, may I add  
10                  something?

11                  HEARING OFFICER SHEAN: Sure.

12                  MR. ELLER: On the Final DOC, Staff  
13                  submitted comments on the Preliminary DOC in early  
14                  October. I was not aware of those comments until  
15                  we received the Final DOC with those responses.  
16                  However, Staff is reviewing those responses, and  
17                  is concerned about some other responses, and we  
18                  may need additional mitigation in order to fully  
19                  approve the project.

20                  HEARING OFFICER SHEAN: Okay. Do you  
21                  know what you're looking at? Can we get some  
22                  substance on what -- what it is that's of concern  
23                  to the Staff?

24                  MR. ELLER: We are -- we just received,  
25                  literally just received that information within



1 the last few days. I couldn't give you specifics  
2 tonight.

3 HEARING OFFICER SHEAN: Well, is it that  
4 the FDOC did not adequately --

5 MR. ELLER: Address the impacts of the  
6 project in some Staff's mind, perhaps.

7 HEARING OFFICER SHEAN: Okay. And is --  
8 does that deal with the construction or the  
9 operation, or both?

10 MR. ELLER: The operation of the  
11 facility. This is beyond the construction.

12 MR. GRATTAN: Can we be more specific?  
13 This is -- this is sort of --

14 MR. ELLER: Again, I don't have much  
15 more specific information this evening.

16 MR. GRATTAN: Your air -- air quality  
17 gentleman's in the back, what --

18 MR. ELLER: We just discussed it. He  
19 has not seen the Final DOC or the responses, so --

20 MR. GRATTAN: You haven't seen it, but  
21 you know you have problems.

22 MR. ELLER: No, our air quality person,  
23 sir.

24 HEARING OFFICER SHEAN: Okay.

25 MR. GRATTAN: This -- this is --

1                   MR. ELLER: I have discussed it with the  
2                   -- with the technical Staff of the Commission  
3                   briefly. We have not had adequate time to review  
4                   it.

5                   MR. GRATTAN: We didn't hear this until  
6                   we got into the schedule. I'm -- don't mean to be  
7                   argumentative, but --

8                   MS. DeCARLO: Additionally, with regard  
9                   to air quality, I have a concern, and I haven't  
10                  had a chance to talk with air quality Staff yet to  
11                  discuss this. But recently, the San Joaquin Air  
12                  Pollution Control District has been changed from a  
13                  designation of serious non-attainment to severe  
14                  non-attainment for ozone. Now, I don't know the  
15                  exact repercussions of this, and how they -- they  
16                  may or may not affect the project. But it may  
17                  take Staff some time to look into that.

18                  MR. WALTERS: I've already looked into  
19                  that.

20                  HEARING OFFICER SHEAN: Why don't you  
21                  come up to the mic, please.

22                  MR. WALTERS: The -- the change of  
23                  designation basically --

24                  HEARING OFFICER SHEAN: And just for the  
25                  record, if you would, re-identify yourself,

1       please, Mr. --

2               MR. WALTERS: Will Walters, work with  
3       Aspen, consultant to the Commission.

4               The change in designation will only  
5       affect projects that submit applications that are  
6       deemed complete after the rule change that is  
7       required under the redesignation. That rule  
8       change will occur sometime before May next year.  
9       So that's not an issue for projects that have  
10      complete applications now, and certainly not for  
11      projects that have FDOCs.

12              MS. DeCARLO: It may not be. However,  
13      it may be, considering that with our jurisdiction,  
14      the CEC's jurisdiction, the actual permit isn't --  
15      is issued through the Energy Commission. It's not  
16      finalized by the air district.

17              So in this case they've issued a Final  
18      Determination of Compliance. However, the permit  
19      hasn't been issued until we issue our  
20      certification. So there may be some -- some  
21      issues regarding that.

22              HEARING OFFICER SHEAN: Okay.

23              MR. WALTERS: But I wouldn't expect that  
24      the -- that the rule change will happen much  
25      before the deadline. However, even if it were to

1       happen, the changes that would occur essentially  
2       would -- would not significantly affect the  
3       project. They may have to do some additional  
4       modeling, but I wouldn't expect there to be any  
5       negative results from it, due to the size of the  
6       project.

7               HEARING OFFICER SHEAN: Can you shed any  
8       light on what this PDOC/FDOC stuff is at the  
9       moment?

10              MR. WALTERS: Well, I -- I think what  
11       happened is that some of our questions and issues  
12       either were -- weren't responded to at all, and so  
13       we need more clarification from the district.  
14       Some of -- some of it is just going to be taking  
15       the time to get our -- to get our answers from the  
16       district on some of our questions. And some of  
17       it, I think, may come down to some additional  
18       conditions of certification that we'll have, in  
19       addition to those that may be in the FDOC.  
20       Although I -- I don't think any of those would be  
21       particularly restrictive. It's just enough  
22       condition to assure compliance.

23              HEARING OFFICER SHEAN: And this is in  
24       the operation phase.

25              MR. WALTERS: I -- yeah, I think it's

1       mainly in the operation phase, because our -- we  
2       already have conditions that we normally put in  
3       for construction, that are above and beyond  
4       whatever the district puts in.

5               HEARING OFFICER SHEAN:   Okay.  Is it  
6       that somehow the BACT -- I mean, where should we  
7       be looking?  BACT, offsets --

8               MR. WALTERS:  It's -- it's actually  
9       generally more -- very specific items, like  
10      whether or not the fuel sulfur content limit has  
11      been adequately addressed.  And none of those  
12      items, I think, are going to be all that -- a  
13      large deal to the Applicant.  It's --

14              HEARING OFFICER SHEAN:  And --

15              MR. WALTERS:  -- just we didn't get all  
16      of our comments addressed by the district --

17              HEARING OFFICER SHEAN:  Okay.

18              MR. WALTERS:  -- and therefore there may  
19      be some further action, in terms of conditions.

20              HEARING OFFICER SHEAN:  I'm sorry.  If  
21      this is CPUC quality -- CPUC pipeline quality gas,  
22      what -- what's the potential issue of sulfur  
23      content in the gas?

24              MR. WALTERS:  The issue is the sulfur  
25      content that was assumed for the emission

1 estimates may not match what the sulfur content is  
2 on the permit requirement. So if you allow them  
3 to have twice as much as they actually have, that  
4 means they haven't actually offset what they could  
5 potentially emit.

6 HEARING OFFICER SHEAN: All right. So  
7 I'm -- I'm trying to get my arms around something  
8 here. You think that maybe the modeling of the  
9 sulfur emissions used an assumption, in terms of  
10 sulfur content in the gas fuel, that was --

11 MR. WALTERS: This one -- that's just  
12 one example.

13 HEARING OFFICER SHEAN: Okay.

14 MR. WALTERS: Of -- of the type of issue  
15 that we -- that we may have had. But, again, I  
16 haven't seen those responses, and I'm basing this  
17 on -- on what I saw for Tracy, which is -- was on  
18 a parallel track and had very similar questions  
19 and issues raised.

20 HEARING OFFICER SHEAN: Okay.

21 MS. DeCARLO: Mr. Shean, if I -- if I  
22 may. I'm looking at our comments, and the air  
23 district's response. And one of our problems was  
24 the calculation of the offset ratio. We --  
25 there -- for one pollutant, there is a distance

1 ratio in addition to an interpollutant offset  
2 ratio. I believe that's for the PM10. We -- we  
3 believe that these two ratios should be  
4 multiplied. The district believes they should be  
5 added.

6 Now, I don't know how that's going to  
7 get resolved, but -- but as the FDOC stands, they  
8 added the ratios.

9 MR. WALTERS: And I think on that issue,  
10 what we have not gotten is enough information from  
11 the district so that we understand what they're  
12 doing, and making sure that -- that what is being  
13 done is -- is proper and actually fully mitigates  
14 the project. So we just didn't get a good answer  
15 from them on that one.

16 HEARING OFFICER SHEAN: Uh-huh.  
17 Understood, now.

18 MR. STEIN: Dave Stein, for the  
19 Applicant. I'd just like to note for the record  
20 on the offset ratio, that the procedure that was  
21 followed is consistent with the procedure that was  
22 used on the La Paloma Project, which is in Kern  
23 County, in the district, and licensed by this  
24 Commission.

25 HEARING OFFICER SHEAN: Okay. Why don't

1 we hear from Staff on any of your -- your  
2 scheduling needs. And desires. Because I -- and  
3 the reason I raised the matter about Staff and --  
4 and us, and the work pressure and the burn-out, is  
5 I know that to some degree, that's -- that's  
6 something you'd like us to take into account.

7 MS. DeCARLO: Yes, thank you. We -- we  
8 filed a request for Committee adoption of Staff's  
9 proposed four-month schedule on November 6th.  
10 That document contains our arguments for why the  
11 Committee should stick to a standard four-month  
12 schedule. I'll just reiterate a few of those  
13 comments here.

14 While it may appear that some of the  
15 major -- the potential major issues identified in  
16 the Issues Identification Report may have been  
17 addressed already, Staff has not received the data  
18 responses. We don't know if those data responses  
19 will bring up more issues that Staff will need to  
20 address, or whether they will completely answer  
21 Staff's questions. Until we receive those  
22 responses we won't have any idea whether there are  
23 more issues or not.

24 And once Staff receives those responses,  
25 in addition to analyzing those, we will need to



1 contact the affected agencies and get their take  
2 on whether their issues are resolved or not. Now,  
3 that gives us only, if the Applicant provides  
4 responses tomorrow or -- or Monday, that gives us  
5 maybe --

6 MR. ELLER: Monday's a holiday.

7 MS. DeCARLO: Tuesday, then. That maybe  
8 gives us eight working days, or so. And then  
9 there's Thanksgiving, after that. Staff at the --  
10 at the moment is proposing a data response  
11 workshop on November 20th. If we continue with  
12 that schedule, there's no way we could issue a  
13 Staff Assessment any -- soon after that.

14 In addition, there are noticing  
15 concerns. We'd want to make sure, for the data  
16 response workshop, and for the Staff Assessment,  
17 that the public's properly noticed, that we  
18 receive public comments in order to incorporate  
19 those into our Staff Assessment.

20 In addition, an expedited schedule would  
21 not allow us enough time to address any unexpected  
22 issues that may surface due to any agency  
23 comments, due to any public comments. And I think  
24 that's critical in such a -- such a quick process.  
25 We're already reducing our -- our normal 12-month

1 review to four months, and we're having a tough  
2 time doing that. To do it any sooner than that I  
3 think would stretch our limits to the -- stretch  
4 our resources to the limit.

5 As it is now, we're spread pretty thin  
6 across all the multiple projects we have. If you  
7 were to expedite this project, that would require  
8 Staff to stop working on other projects and focus  
9 solely on this one. And given the holiday  
10 situation, it just -- it's not very feasible to  
11 require Staff to do all of that.

12 HEARING OFFICER SHEAN: Okay. I -- I  
13 ran out, based upon the time requirements for a  
14 30-day public comment period on the PMPD, and a  
15 minimum ten days for the Committee to prepare a  
16 Proposed Decision, and the time -- from the time  
17 of public hearing, plus time for parties to file  
18 testimony -- and I don't want to weird everybody  
19 out by the use of testimony, that this is a highly  
20 legalistic proceeding, but we do have certain  
21 legal requirements -- plus a pre-hearing  
22 conference. And if it were done so that this were  
23 completed on February 13th, we would be conducting  
24 the pre-hearing conference, filing on December  
25 20th of the -- you might want to take a look at

1       this -- the filing of testimony three days after  
2       Christmas, and the Evidentiary Hearing on the 4th  
3       of January. And that seems to me to be more  
4       adverse to most everyone's participation than --  
5       or, let me -- that's hardly optimal.

6               And I -- and I understand the Staff  
7       would at least like us to try to get -- get the  
8       holiday period so that nobody -- so Staff is not  
9       actively having to produce some documents. And I  
10      guess the -- the Applicant would just as soon its  
11      people could do the same thing.

12             The only other thing is to like split  
13      the baby between the accelerated schedule in  
14      the -- in the notice and the -- and this one, so  
15      that we're -- the comment period runs over the  
16      holiday. And I guess to some degree, while it  
17      would be nice to have the Staff Assessment as well  
18      reviewed through workshops, et cetera, as it would  
19      be in a 12-month proceeding, it seems as if that  
20      just can't happen. That the -- and so I'm looking  
21      at your proposed schedule, and I don't see how we  
22      can do a workshop, Staff workshops, followed by  
23      addendums to your Staff Assessment, when  
24      fundamentally without the process proposed by the  
25      people who know a whole lot about this at the

1 Energy Commission is only four months.

2 MS. DeCARLO: Mr. Shean, we -- if I may.

3 We had a chance to look over your -- your  
4 subsequent proposed schedule, or, I don't know  
5 quite how to characterize this, and I want to  
6 thank you for -- for at least taking our concerns  
7 into consideration.

8 We might have a way to kind of at least  
9 avoid the -- the critical periods, the holiday  
10 periods, and still keep to your proposal here.  
11 Now, granted, we still need to get management  
12 authority for this, so this is just merely  
13 throwing out for discussion. But it might be  
14 possible to have a Staff Assessment workshop on  
15 December 17th, and then have Staff file an  
16 addendum, which we would hope would be fairly  
17 short. By that point we should have all of our  
18 issues worked out, and this would just incorporate  
19 public comments, agency comments, and anything we  
20 worked through with the Applicant.

21 We could possibly file that on the 21st,  
22 and that would be before the Christmas break. And  
23 -- and that would allow for hearings to go forth,  
24 or for -- let's see, for Committee workshops  
25 afterwards, after the holiday period.

1 HEARING OFFICER SHEAN: Well, let's go  
2 back to the Applicant. Is it June 1 or the month  
3 of June that's part of your contract with DWR?

4 MR. WHEELER: It's not specific in the  
5 contract. It's the month of June.

6 HEARING OFFICER SHEAN: Okay. Are there  
7 financial or other penalties if you don't make the  
8 month of June?

9 MR. WHEELER: The -- the financial  
10 penalty is the loss of revenue.

11 HEARING OFFICER SHEAN: Okay. So --

12 MR. WHEELER: There is -- there is a  
13 drop dead date in the contract that is the end of  
14 October. That's the other critical date for us.

15 HEARING OFFICER SHEAN: That's not a  
16 problem.

17 (Laughter.)

18 HEARING OFFICER SHEAN: That's not a  
19 problem.

20 Yeah, I guess the point is, is that  
21 unless somebody declares the emergency legally  
22 over, we -- we do know we're going to have summer  
23 peaks, and attempting to have this available in  
24 the summer peak is probably in the public  
25 interest. And it is right now, whether or not it

1 can happen in Tracy, and that's one of your other  
2 projects. I am unfamiliar with how well prepared  
3 that is compared to this. But this one, at least,  
4 you know, is in the game.

5 All right. Let us take this schedule  
6 matter under submission. We'll discuss it and try  
7 to come out with something. But I think we, in  
8 light of the holidays, would just as soon have the  
9 public comment period on the PMPD run with the  
10 holidays, so that -- and understand that to some  
11 degree --

12 MR. ELLER: With all due respect, Mr.  
13 Shean --

14 HEARING OFFICER SHEAN: Okay. Staff --

15 MR. ELLER: -- I don't believe Staff can  
16 meet that schedule.

17 HEARING OFFICER SHEAN: You cannot?

18 MR. ELLER: We cannot.

19 HEARING OFFICER SHEAN: Well --

20 MR. ELLER: We are hard-pressed to get a  
21 Staff Assessment out any earlier than probably  
22 December the 10th. Given the workshop on the  
23 20th, given the need to write testimony and have  
24 that reviewed by management before -- before it's  
25 issued, in order to put an intelligible document

1 together for the Committee.

2 HEARING OFFICER SHEAN: Okay. Well,  
3 that --

4 MR. ELLER: I don't believe we can do  
5 that earlier than December the 10th.

6 HEARING OFFICER SHEAN: We'll go see  
7 what we can do, if we could do that on December  
8 10th. We still might be able to get a PMPD out.  
9 I think it really depends on what we would  
10 anticipate in terms of testimony from other  
11 parties, and stuff like that. And we -- we could  
12 at least attempt to get it so that we could still  
13 do that.

14 You're inching forward, Mr. Grattan.

15 MR. GRATTAN: Well, one thing I guess I  
16 wanted to establish, that all the -- that the  
17 Committee and the parties understand, we -- we are  
18 -- it is my understanding that we, the PMPD must  
19 circulate for 30 days.

20 HEARING OFFICER SHEAN: Yes.

21 MR. GRATTAN: Is that a statutory  
22 requirement, unwaive-able?

23 HEARING OFFICER SHEAN: I'm unfamiliar  
24 with any other authority that says any other  
25 timeframe. And the Staff at all times, when we've

1       asked them, says the same thing.

2               And let me also indicate for the members  
3       of the audience. We are going to have full a  
4       Commission hearing on November 14th, at which the  
5       Commission's action with regard to a resolution  
6       that directly affected the acceptance of -- as  
7       data adequate of this and the Tracy project, is  
8       going to be reconsidered. I think -- I think out  
9       of an abundance of caution, the Committee is going  
10      to look at a schedule that runs in tandem, the  
11      statutory four-month, as well as what we have come  
12      to know as the safety net of standard 25500 type  
13      proceedings, so that, if either as a result of  
14      Commission action on the 14th or some other action  
15      by a third party during the pendency of this  
16      proceeding, we have a firmly grounded and legally  
17      adequate safety net for this proceeding, based  
18      upon Section 25500 of the Public Resources Code.

19              So, in that respect, that 30-day public  
20      comment period for the document will be there.

21              MR. GRATTAN: Again, we would -- we  
22      understand, honestly, Staff's workload, and we  
23      understand how hard Staff has been working over  
24      the past couple of years. And a -- a January,  
25      mid-January decision on this project would be



1 something we would aim for. How -- how we get  
2 there, I, you know, will --

3 HEARING OFFICER SHEAN: Okay. And  
4 it's -- but if I understand from Mr. Wheeler,  
5 you -- you're saying that the project that went in  
6 in Hanford that could be done basically at three  
7 months, can be done here in five. Needs five.

8 MR. WHEELER: That's correct, because  
9 the additional foundation work, and we will be  
10 installing the SCRs as part of the project, which  
11 was not in -- the case in Hanford.

12 HEARING OFFICER SHEAN: Okay. That --  
13 that came later?

14 MR. WHEELER: Yes. It --

15 HEARING OFFICER SHEAN: Or will come --

16 MR. WHEELER: -- the SCRs will be  
17 installed in February, actually.

18 HEARING OFFICER SHEAN: All right.  
19 That's different, by a lot. Okay.

20 Any comment from any other party or  
21 person who's here?

22 MS. STANFIELD: Well, I guess I would  
23 say that --

24 HEARING OFFICER SHEAN: Why don't you  
25 come on up.

1 MS. STANFIELD: I don't know that we --

2 HEARING OFFICER SHEAN: Why don't you  
3 identify yourself, please.

4 MS. STANFIELD: I'm Sky Stanfield, with  
5 CURE. Sorry.

6 I don't know that we -- we plan on  
7 filing lengthy comments on any process of this.  
8 But in -- just on behalf of the Staff, if we do  
9 decide to file comments, or some other party does  
10 decide to file lengthy comments on any process, or  
11 any -- any of the opportunities, it would be --  
12 seems very fair to them to give them a buffer zone  
13 to respond to comments. Because I don't -- I'm  
14 not speaking on behalf of CURE, saying that we  
15 will be filing massive comments, but that  
16 certainly should be taken into account.

17 And then on behalf of people who might  
18 possibly file comments, we'd like to have the full  
19 time period, and if the PMPD comment period runs  
20 through the holidays, that will affect other  
21 people besides the Staff. Anybody who's deciding  
22 to file comments will be working against the  
23 holiday crunch, as well.

24 HEARING OFFICER SHEAN: Sure. But I  
25 think we all agree 30 days, at least in a four-

1 month process, is one-quarter --

2 MS. STANFIELD: No, I -- I agree. But I  
3 just --

4 HEARING OFFICER SHEAN: -- of the  
5 process --

6 MS. STANFIELD: -- I felt that it would  
7 be better to voice that concern, you know, ahead  
8 of time.

9 HEARING OFFICER SHEAN: Sure.

10 MS. STANFIELD: And -- and especially --

11 HEARING OFFICER SHEAN: Solely for the  
12 purpose of either CURE, members of the public,  
13 other agencies who have not -- I mean, I  
14 understand the way it runs when we have a lot more  
15 time. But we -- we have not volunteered to do  
16 this in four months. We -- the state law has said  
17 you shall do it, and the very experienced and  
18 insightful people at the Commission who help put  
19 this program together I'm sure know best how it  
20 can be done.

21 MS. STANFIELD: Okay.

22 HEARING OFFICER SHEAN: Okay. I'm just  
23 not saying I'm one of those people.

24 Okay. Anything further?

25 We're done, then. We are adjourned. We

1           will see you again later.

2                   Thank you.

3                   (Thereupon the hearing was adjourned  
4                   at 7:15 p.m.)

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## CERTIFICATE OF REPORTER

I, JAMES RAMOS, an Electronic Reporter,  
do hereby certify that I am a disinterested person  
herein; that I recorded the foregoing California  
Energy Commission Hearing; that it was thereafter  
transcribed into typewriting.

I further certify that I am not of  
counsel or attorney for any of the parties to said  
Hearing, nor in any way interested in the outcome  
of said Hearing.

IN WITNESS WHEREOF, I have hereunto set  
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